

106TH CONGRESS  
2D SESSION

# S. 3164

To protect seniors from fraud.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, SEPTEMBER 22), 2000

Mr. BAYH (for himself, Mr. GRAMS, Mr. LEAHY, and Mr. CLELAND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To protect seniors from fraud.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Protecting Seniors  
5       From Fraud Act”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) Older Americans are among the most rap-  
9       idly growing segments of our society.

1           (2) Our Nation's elderly are too frequently the  
2       victims of violent crime, property crime, and con-  
3       sumer and telemarketing fraud.

4           (3) The elderly are often targeted and retar-  
5       geted in a range of fraudulent schemes.

6           (4) The TRIAD program, originally sponsored  
7       by the National Sheriffs' Association, International  
8       Association of Chiefs of Police, and the American  
9       Association of Retired Persons unites sheriffs, police  
10      chiefs, senior volunteers, elder care providers, fami-  
11      lies, and seniors to reduce the criminal victimization  
12      of the elderly.

13          (5) Congress should continue to support  
14      TRIAD and similar community partnerships that  
15      improve the safety and quality of life for millions of  
16      senior citizens.

17          (6) There are few other community-based ef-  
18      forts that forge partnerships to coordinate criminal  
19      justice and social service resources to improve the  
20      safety and security of the elderly.

21          (7) According to the National Consumers  
22      League, telemarketing fraud costs consumers nearly  
23      \$40,000,000,000 each year.

24          (8) Senior citizens are often the target of tele-  
25      marketing fraud.

1           (9) Fraudulent telemarketers compile the  
2 names of consumers who are potentially vulnerable  
3 to telemarketing fraud into the so-called “mooch  
4 lists”.

5           (10) It is estimated that 56 percent of the  
6 names on such “mooch lists” are individuals age 50  
7 or older.

8           (11) The Federal Bureau of Investigation and  
9 the Federal Trade Commission have provided re-  
10 sources to assist private-sector organizations to oper-  
11 ate outreach programs to warn senior citizens whose  
12 names appear on confiscated “mooch lists”.

13           (12) The Administration on Aging was formed,  
14 in part, to provide senior citizens with the resources,  
15 information, and assistance their special cir-  
16 cumstances require.

17           (13) The Administration on Aging has a system  
18 in place to inform senior citizens of the dangers of  
19 telemarketing fraud.

20           (14) Senior citizens need to be warned of the  
21 dangers of telemarketing fraud before they become  
22 victims of such fraud.

23 **SEC. 3. SENIOR FRAUD PREVENTION PROGRAM.**

24           (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
25 authorized to be appropriated to the Attorney General

1 \$1,000,000 for each of the fiscal years 2001 through 2005  
2 for programs for the National Association of TRIAD.

3 (b) COMPTROLLER GENERAL.—The Comptroller  
4 General of the United States shall submit to Congress a  
5 report on the effectiveness of the TRIAD program 180  
6 days prior to the expiration of the authorization under this  
7 Act, including an analysis of TRIAD programs and activi-  
8 ties; identification of impediments to the establishment of  
9 TRIADS across the Nation; and recommendations to im-  
10 prove the effectiveness of the TRIAD program.

11 **SEC. 4. DISSEMINATION OF INFORMATION.**

12 (a) IN GENERAL.—The Secretary of Health and  
13 Human Services, acting through the Assistant Secretary  
14 of Health and Human Services for Aging, shall provide  
15 to the Attorney General of each State and publicly dis-  
16 seminate in each State, including dissemination to area  
17 agencies on aging, information designed to educate senior  
18 citizens and raise awareness about the dangers of fraud,  
19 including telemarketing and sweepstakes fraud.

20 (b) INFORMATION.—In carrying out subsection (a),  
21 the Secretary shall—

22 (1) inform senior citizens of the prevalence of  
23 telemarketing and sweepstakes fraud targeted  
24 against them;

1           (2) inform senior citizens how telemarketing  
2           and sweepstakes fraud work;

3           (3) inform senior citizens how to identify tele-  
4           marketing and sweepstakes fraud;

5           (4) inform senior citizens how to protect them-  
6           selves against telemarketing and sweepstakes fraud,  
7           including an explanation of the dangers of providing  
8           bank account, credit card, or other financial or per-  
9           sonal information over the telephone to unsolicited  
10          callers;

11          (5) inform senior citizens how to report sus-  
12          pected attempts at or acts of fraud;

13          (6) inform senior citizens of their consumer  
14          protection rights under Federal law; and

15          (7) provide such other information as the Sec-  
16          retary considers necessary to protect senior citizens  
17          against fraudulent telemarketing and sweepstakes  
18          promotions.

19          (c) MEANS OF DISSEMINATION.—The Secretary shall  
20          determine the means to disseminate information under  
21          this section. In making such determination, the Secretary  
22          shall consider—

23                (1) public service announcements;

24                (2) a printed manual or pamphlet;

25                (3) an Internet website;

1 (4) direct mailings; and

2 (5) telephone outreach to individuals whose  
3 names appear on so-called “mooch lists” confiscated  
4 from fraudulent marketers.

5 (d) PRIORITY.—In disseminating information under  
6 this section, the Secretary shall give priority to areas with  
7 high incidents of fraud against senior citizens.

8 **SEC. 5. STUDY OF CRIMES AGAINST SENIORS.**

9 (a) IN GENERAL.—The Attorney General shall con-  
10 duct a study relating to crimes against seniors, in order  
11 to assist in developing new strategies to prevent and other-  
12 wise reduce the incidence of those crimes.

13 (b) ISSUES ADDRESSED.—The study conducted  
14 under this section shall include an analysis of—

15 (1) the nature and type of crimes perpetrated  
16 against seniors, with special focus on—

17 (A) the most common types of crimes that  
18 affect seniors;

19 (B) the nature and extent of tele-  
20 marketing, sweepstakes, and repair fraud  
21 against seniors; and

22 (C) the nature and extent of financial and  
23 material fraud targeted at seniors;

24 (2) the risk factors associated with seniors who  
25 have been victimized;

1           (3) the manner in which the Federal and State  
2       criminal justice systems respond to crimes against  
3       seniors;

4           (4) the feasibility of States establishing and  
5       maintaining a centralized computer database on the  
6       incidence of crimes against seniors that will promote  
7       the uniform identification and reporting of such  
8       crimes;

9           (5) the effectiveness of damage awards in court  
10      actions and other means by which seniors receive re-  
11      imbursement and other damages after fraud has  
12      been established; and

13          (6) other effective ways to prevent or reduce the  
14      occurrence of crimes against seniors.

15 **SEC. 6. INCLUSION OF SENIORS IN NATIONAL CRIME VIC-**  
16 **TIMIZATION SURVEY.**

17      Beginning not later than 2 years after the date of  
18      enactment of this Act, as part of each National Crime Vic-  
19      timization Survey, the Attorney General shall include sta-  
20      tistics relating to—

21          (1) crimes targeting or disproportionately af-  
22      fecting seniors;

23          (2) crime risk factors for seniors, including the  
24      times and locations at which crimes victimizing sen-  
25      iors are most likely to occur; and

1           (3) specific characteristics of the victims of  
2       crimes who are seniors, including age, gender, race  
3       or ethnicity, and socioeconomic status.

4 **SEC. 7. STATE AND LOCAL GOVERNMENT OUTREACH.**

5       It is the sense of Congress that State and local gov-  
6       ernments should fully incorporate fraud avoidance infor-  
7       mation and programs into programs that provide assist-  
8       ance to the aging.

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